

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

05 - 0221

DOCKET NO. _____

----- In the Matter of -----)
SENER PETROLEUM, INC.'s)
Petition to Adjust the Zone Price)
Adjustment for Zone 2 (Kauai) Effective)
September 1-4, 2005 under Haw. Rev.)
Stat. §486H-16)
_____)

FILED
2005 AUG 30 P 3:58
PUBLIC UTILITIES
COMMISSION

SENER PETROLEUM, INC.'S PETITION TO ADJUST THE ZONE PRICE
ADJUSTMENT FOR ZONE 2 (KAUAI) EFFECTIVE SEPTEMBER 1-4, 2005 UNDER
HAW. REV. STAT. §486H-16

EXHIBITS A – C

AFFIDAVIT OF BRIAN J. BARBATA

and

CERTIFICATE OF SERVICE

Kelly G. LaPorte	#6294-0
Marc E. Rousseau	#6327-0
Neill T. Tseng	#8088-0

CADES SCHUTTE A limited liability law partnership
1000 Bishop Street, Suite 1200
Honolulu, Hawaii 96813
Telephone: (808) 521-9200

Attorneys for
SENER PETROLEUM, INC.

OF THE STATE OF HAWAII

DOCKET NO. _____

HAW. REV. STAT. §486H-16

Haw. Rev. Stat. § 486H-16, alleges and avers as follows:

1. This petition is made pursuant to Haw. Rev. Stat. § 486H-16.
2. Petitioner is a jobber that sells and delivers gasoline to retail service stations in Zone 2 (Kauai) as identified in Haw. Rev. Stat. § 486H-16(h)(2).

provided with insufficient information to accurately set the Zone Price Adjustment for Kauai to reflect actual trucking costs.

4. In Order No. 21994, the PUC found that HPMA failed to demonstrate that PUC Order No. 21952 was unreasonable, unlawful, or erroneous. The PUC's decision to deny HPMA's motion for reconsideration was apparently not based on a lack of information provided by Petitioner or HPMA, but on the conclusion that such information should have been provided during the Information Request (IR) stage of Docket No. 05-0002.

5. As a result, Petitioner still believes that the only trucking costs that the PUC received for Zone 2 (Kauai) during the IR process were those of non-jobbers (suppliers) and that the Zone Price Adjustment for Kauai of 13.6 cpg set forth in Order No. 21952 does not accurately reflect higher jobber trucking costs.

6. Attached as Exhibit A hereto are financial statements of Petitioner and its parent (Inter Island Petroleum, Inc.) for calendar year 2004 showing relevant revenues and actual trucking costs incurred by Petitioner.

7. Attached as Exhibit B hereto are Petitioner's reports for calendar year 2004 showing actual number of gallons of product delivered by Petitioner to its customers.

8. Attached as Exhibit C hereto is the financial analysis of Petitioner's actual trucking costs based on Exhibits A and B and translated into its average actual per gallon trucking cost.

9. The foregoing evidence clearly and convincingly demonstrates Petitioner's actual average trucking costs which should be properly considered by the PUC in

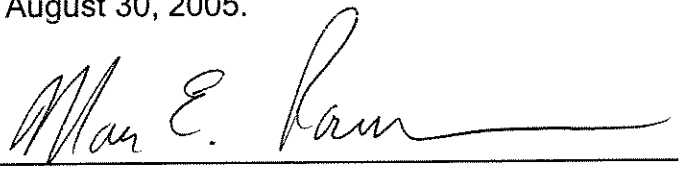
setting the Zone 2 (Kauai) Zone Price Adjustment. Since this is an average, costs per gallon to distant locations are higher than Petitioner's average as indicated in Exhibit C.

WHEREFORE, based on the foregoing allegations and Exhibits A, B and C attached hereto and incorporated herein, Petitioner requests that PUC to increase the Zone Price Adjustment for Zone 2 to no less than Petitioner's highest delivery cost as shown in Exhibit C, and increase the maximum pre-tax wholesale price of gasoline for Zone 2 (Kauai) effective September 1-4, 2005, correspondingly. Petitioner also requests that the PUC make this Zone Price Adjustment effective after September 1-4, 2005, to avoid Petitioner having to re-file a similar petition each week.

Petitioner has spoken with the Division of Consumer Advocacy and the parties will be filing a motion for Protective Order concurrently with this Petition. The Division of Consumer Advocacy indicated that it did not have a problem conceptually with Petitioner's petition, subject to its review of the confidential supporting information.

Petitioner further requests any other legal or equitable relief that the PUC deems just and proper.

DATED: Honolulu, Hawaii, August 30, 2005.



KELLY G. LAPORTE
MARC E. ROUSSEAU
NEILL T. TSENG
Attorneys for
SENTER PETROLEUM, INC.

SENIOR PETROLEUM, INC. AND KAUAI AUTOMATED FUEL SERVICE, INC.
FKA KAUAI AUTOMATED FUELS NETWORK, INC.
COMBINED INCOME STATEMENTS
FOR THE YEARS ENDED DECEMBER 30, 2004 AND 2003

REDACTED

EXHIBIT A

INTER ISLAND PETROLEUM, INC.
AND SUBSIDIARIES
CONSOLIDATED INCOME STATEMENTS
FOR THE YEARS ENDED DECEMBER 31, 2004 AND 2003

REDACTED

SENIOR PETROLEUM, INC. AND KAUAI AUTOMATED FUEL SERVICE, INC.
FKA KAUAI AUTOMATED FUELS NETWORK, INC.
COMBINED INCOME STATEMENTS
FOR THE YEARS ENDED DECEMBER 30, 2004 AND 2003

REDACTED

RUN: 08/30/05 13:03 Roger
CATEGORY 1 - GASOLINE

PRODUCT/CUSTOMER SALES ANALYSIS
KAUAI AUTOMATED FUELS NW

PRODUCT	DESCRIPTION	-----LAST YEAR 2004-----	
CUST	NAME	QTY	SALES \$

CONFIDENTIAL

REDACTED

EXHIBIT 6

UN: 08/10/05 13:03 roger
CATEGORY 2 - LOW SULPHUR DIESEL FUEL

PRODUCT/CUSTOMER SALES ANALYSIS
KAUAI AUTOMATED FUELS NW

PRODUCT DESCRIPTION
CUST NAME

-----LAST YEAR 2004-----
QTY SALES \$

CONFIDENTIAL

REDACTED

RUN: 08/30/05 13:03 Roger
CATEGORY 3 - HIGH SULPHUR DIESEL FUEL

PRODUCT/CUSTOMER SALES ANALYSIS
KAUAI AUTOMATED FUELS NW

PAGE 1

PRODUCT DESCRIPTION
CUST NAME

-----LAST YEAR 2004-----
QTY SALES \$

CONFIDENTIAL

REDACTED

-----LAST YEAR 2004-----

QTY SALES \$

CONFIDENTIAL

REDACTED

IN: 08/10/05 12:48 Roger
CATEGORY 1 - GASOLINE

PRODUCT/CUSTOMER SALES ANALYSIS
SENER PETROLEUM, INC.

PRODUCT DESCRIPTION
CUST NAME

-----LAST YEAR 2004-----
QTY SALES \$

CONFIDENTIAL

REDACTED

JN: 08/30/05 12:48 Roger
CATEGORY 2 - LOW SULPHUR DIESEL FUEL

PRODUCT/CUSTOMER SALES ANALYSIS
SENER PETROLEUM, INC.

		-----LAST YEAR 2004-----	
PRODUCT	DESCRIPTION	QTY	SALES \$
CUST	NAME		

CONFIDENTIAL

REDACTED

PRODUCT/CUSTOMER SALES ANALYSIS
SENER PETROLEUM, INC.1* 08/30/05 12:46 Roger
CATEGORY 3 - HIGH SULPHUR DIESEL FUELPRODUCT DESCRIPTION
UST NAME-----LAST YEAR 2004-----
QTY SALES \$

CONFIDENTIAL

REDACTED

PRODUCT/CUSTOMER SALES ANALYSIS

RUN: 08/30/05 12:48 roger

-----LAST YEAR 2004-----
QTY SALES \$

REDACTED

CONFIDENTIAL

REDACTED

EXHIBIT C

STATE OF HAWAII
CITY AND COUNTY OF HONOLULU

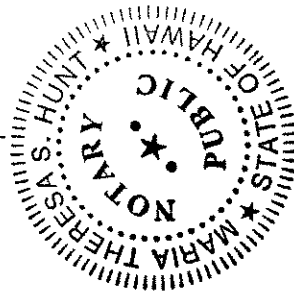
DATED: Honolulu, Hawaii: August 30, 2005.


BRIAN J. BARBATA

Maria Theresa S. Hunt

My commission expires _____

MARIA THERESA S. HUNT
My Commission expires: 8/3/2008

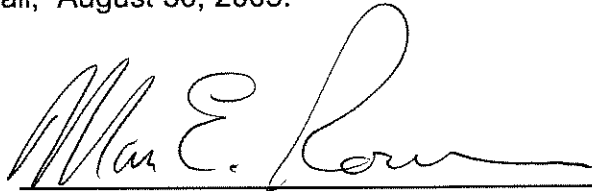


CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2005, I served copies of the foregoing, together with this Certificate of Service, either by United States mail, postage prepaid, or by hand-delivery to the following:

Jon S. Itomura, Esq.
Counsel for Division of Consumer Advocacy
Department of Commerce and Consumer Affairs
P.O. Box 541
Honolulu, Hawaii 96809

DATED: Honolulu, Hawaii, August 30, 2005.

A handwritten signature in black ink, appearing to read "Marc E. Rousseau", written over a horizontal line.

KELLY G. LAPORTE
MARC E. ROUSSEAU
NEILL T. TSENG
Attorneys for
SENTER PETROLEUM, INC.